

## CIVIL DOCKET

## UNITED STATES DISTRICT COURT

Jury demand date: 6-17-70 (Plaintiff)

Jury trial granted by court 7-13-71

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
Kathleen V. Caldwell and Frank Bushfield  vs  Peabody Coal Company, Successor to Sinclair Coal Company		<b>For plaintiff:</b>  John S. Gilkeson <i>Rev 1201</i> P. O. Box <del>544</del> 792 Claremore, Oklahoma <i>341-2444</i>  Thomas A. Wallace 315 Berryhill Bldg., Sapulpa, 74066 <i>(224-1176)</i>  <b>For defendant:</b>  Dan A. Rogers & Richard Honn <i>583-5111</i> 1311 Petroleum Club Building Tulsa, Oklahoma 74119  Jack Gordon <i>341-3303</i>  Claremore			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>7-1-70</i>	Clerk	6-10	Rogers	15 00	
		6-11	CD		15 00
J.S. 6 mailed <i>5-1-72</i>	Marshal				
Basis of Action: Damages to oil and gas lease	Docket fee				
	Witness fees				
Action arose at: Rogers County	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-10-70	Petition for removal from District Court of Rogers County, Okla., filed. m	
6-10-70	Bond on removal in the amt. of \$500.00, filed. Surety, United States Fidelity and Guaranty Company. m	
6-10-70	Notice of filing of petition and bond for removal by defendant, filed. m	
6-10-70	Acknowledgment of the Clerk of the Dist. Court in and for Rogers County, Oklahoma of receipt of copy of the notice, petition and bond for removal, filed. m	
6-12-70	Answer of the defendant, filed. b	
6-17-70	Demand for Jury Trial. filed. v	
<del>9-30-70</del>	<del>Application of defendant for an extension of 10 days from date for the</del>	
11-3-70	Case set for Pre-Trial on Friday, December 4, 1970 at 11:00 A.M. (FD-J)v	
12-4-70	Case called for pre-trial, plaintiff not present and not represented, case is stricken from the pre-trial assignment of this date. (Fred Daugherty - Judge) b	
1-11-71	Ordered by the Court that this case is set for pre-trial hearing on Tuesday, January 26, 1971 at 10:15 A. M. (Fred Daugherty - Judge) b	
1-26-71	Pre-trial hearing called. Statements made, plaintiff to file brief on interest in case and rights to recover and defendant 10 days to file answer brief. Plaintiff 5 days to write letter on State Law or withdraw claim. (Fred Daugherty - Judge) b	
2-8-71	Letter of Jan. 30, 1971, from John S. Gilkerson to Judge Daugherty that plaintiff Caldwell is fee owner of 20 acres; that the Bushfield has an oil and gas lease; oil wells and gas on premises, drilled by previous lessees, defendant does not have a coal mining lease, filed. b	
2-16-71	Brief of Defendant, filed. r	
2-24-71	Ordered by the Court that this case is set for pre-trial on Wednesday, March 3, 1971 at 10:30 A. M. (Fred Daugherty - Judge) b	
3-3-71	Further pre-trial hearing held, statements made, plaintiff to prepare pre-trial order within 10 days and action to be set on jury assignment. (Fred Daugherty - Judge) b	
3-8-71	Interrogatories to the defendant, filed. b	
4-2-71	Answers to interrogatories, filed. g	
7-12-71	Proposed Pre-Trial Order, filed. (Not signed by Court) Submitted by Plaintiff.	
7-12-71	Proposed Pre-Trial Order, filed by the Deft. Filed. (Not signed by Court) r	
7-13-71	Pre-Trial Conference Order. Attys directed to confer within 20 days and attempt to agree on exhibits, filed. (FD-J)r <u>JURY TRIAL IS GRANTED</u>	
7-13-71	Copy of Letter dated 7-12-71 from J. D. to all attorneys in case, granting parties 10 days from 7-12-71 to file any objections to any of the contents of the P/T Order as signed and entered by the Court. Filed. r	
7-22-71	Pltfs - Objection to pre-trial order, filed. ds	
7-26-71	Order sustaining objection. Pre-Trial Conference Order entered 7-13-71 is amended to conform with Pltfs' Objection. (FD-J)r Filed.	
8-24-71	Ordered that this case be set for Jury Trial on Thursday, October 28, 1971 at 10:00 A.M. (FD-J)r	
10-18-71	Letter dated 10-13-71 from Dan A. Rogers to J. D. stating that he has a case in Muskogee, but feels sure he will be here on 10-28-71 for jury trial. Filed. r	

(OVER)

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-18-71	Copy of letter dated 10-15-71 from J.D. to Dan Rogers stating that the setting of the case on 10-28-71 will have to be stricken. To be set for the week of November 1, 1971. Will give a definite date later. Filed. r	
10-27-71	MINUTE ORDER: Case stricken from this jury docket by the Court. Case to be reset by the Court. (FD-J)r (attys. notified by letter)	
<del>12-2-71</del>	<del>Plaintiff's application for order reciting waiver of medical privilege by defendant, filed. ds entered in error</del>	
<del>12-2-71</del>	<del>Plaintiff's brief in support of application for order reciting waiver of medical privilege by defendant, filed. ds entered in error</del>	
1-17-72	Case set for Jury Trial on Wednesday, February 16, 1972 at 9:30 A.M. (FD-J)r	
2-8-72	Notice of pltfs. to def. of list of witnesses to be called at trial, filed. rm	
2-14-72	Return of service of subpoena, filed. Served H. J. McNally, in Tulsa, on 2/13/72 (USM \$4.48) rm	
2-16-72	Return on service of subpoena, filed. rm (Served Myron Rhors)	
2-16-72	Return on service of subpoena, filed. rm (Served Jay Robertson)	
2-16-72	Return on service of subpoena, filed. rm (Served George Morrison)	
2-16-72	Case called for Jury Trial. Pltf. represented by Thomas Wallace and John Gilkeson; Deft. represented by Dan Rogers and Jack Gordon. Court adjourns at 5:00 P.M. 9:30 A.M., Feb. 17, 1972 on Thursday, Court continues with dismissing Mr. Bushfield as Pltf. Pltf. request that this case be dismissed and it is granted by the Court to dismiss w/o Prejudice, at costs of both parties. Jury is dismissed at 9:55 A.M. Pltf is granted permission by the Court to withdraw their exhibits #1 thru #4. (FD-J)r	
4-20-72	Order allowing dismissal on Pltfs' Motion, filed and entered. (FD-J)r (Copies mailed to attys)	

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